

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

February 3, 2003

RESPONSIBLE STAFF:

David B. Humpton
City Manager

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
X	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

Resolution Authorizing the City Manager to Negotiate and Execute a Second Addendum to the Annexation Agreement for the Casey Goshen Tract (Hidden Creek)

SUPPORTING BACKGROUND:

On January 21, 2003, the Mayor and City Council held a Public Discussion on the proposal for a Second Addendum to the Annexation Agreement for the Casey Goshen Tract. City Attorney Abrams presented a PowerPoint presentation outlining the key points which were to be addressed in the addendum. (see attached) One citizen spoke during the discussion, and they appeared to be supportive of the proposed addendum.

City Attorney Abrams and staff continue to negotiate with the property owners' attorneys relative to the exact language of this new addendum. Staff feels that we are making progress toward an agreement and that it is the appropriate time for the City Council to authorize the City Manager to negotiate and execute an Addendum to the Annexation Agreement.

The attached outline of the proposed agreement continues to serve as the basis of our negotiations.

DESIRED OUTCOME:

Approve Resolution

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO NEGOTIATE AND EXECUTE A
SECOND ADDENDUM TO THE ANNEXATION AGREEMENT
FOR THE CASEY-GOSHEN TRACT (HIDDEN CREEK)

WHEREAS, the 1971 Annexation Agreement for the Casey-Goshen property permitted the construction of 727 dwelling units on the property known as Hidden Creek Land Bay III; and

WHEREAS, litigation is pending between the City of Gaithersburg and the developers of the Hidden Creek on issues associated with the development; and

WHEREAS, settlement negotiations between the City of Gaithersburg and the developers of Hidden Creek have resulted in a proposed reduction of a total of 265 dwelling units for the Land Bay III property and eliminates the 451 rental apartment units; and

WHEREAS, the Mayor and City Council have determined that the proposed reduced unit count is in the best interest of the City:

NOW THEREFORE, BE IT RESOLVED, by the City Council of Gaithersburg, that the city Manager be and he hereby is authorized to negotiate and execute a Second Addendum to the Annexation Agreement for the Casey-Goshen Tract known as Hidden Creek Land Bay III.

ADOPTED by the City Council this 3rd day of February, 2003.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in public meeting assembled on the 3rd day
of February, 2003.

David B. Humpton, City Manager

OUTLINE OF THE PROPOSED AGREEMENT BETWEEN THE CITY OF GAITHERSBURG AND THE DEVELOPERS OF HIDDEN CREEK

January 17, 2003

This memorandum summarizes the draft principal terms of a proposed Second Addendum to the 1971 Annexation Agreement between the City and Eugene B. Casey concerning the Casey-Goshen Property ("Second Addendum"). The purpose of the Second Addendum is to set forth the City's agreement with the owners of Hidden Creek Land Bay III to reduce the permitted density on Land Bay III from 727 units to 462 units and to eliminate 451 rental apartment units from the development. Agreements under the Second Addendum will provide for the eventual dismissal of pending litigation between the City and the owners and the release of the City from claims for damages by the owners. The principal terms as currently proposed are as follows:

- ◆ The Second Addendum will require the owners to file amendments to the previously approved Sketch Plan and to pending Schematic Development Plan No. SDP-01-006 (SDP) for Land Bay III to request approval of 462 total units comprised of 16 single-family detached units, 116 2 over 2 condominium units, 330 townhouse units, an approximately 6,000 square foot clubhouse and pool facility, recreation areas, open spaces and related amenities and infrastructure.
- ◆ The City will review and act on the amended Sketch Plan and SDP and associated road code and other requests consistent with the revised development plan in accordance with a schedule to be agreed upon by the City and the owners, and subject to customary reviews, legal procedures and requirements. The City will also act to approve final site plans, record plats and other development approvals and permits that are consistent with the revised development plan.
- ◆ The City will require the owners to implement a previously negotiated package of road improvements including improvements to Goshen Road, Odend'hal Avenue and MidCounty Highway, and will also require the owners to contribute \$75,000 to be used by the City toward traffic calming measures on Girard Street and to construct a sidewalk connection along the property's Goshen Road frontage from Odend'hal Avenue extended south to the property boundary where the sidewalk connection will tie in to the existing sidewalk.
- ◆ The City will grant the owners necessary easements across property previously dedicated to the City under the original Annexation Agreement to allow for the construction of the sewer facilities and stormwater management facilities shown on the revised development plan.
- ◆ The City will agree to recommend to Montgomery County that the package of road improvements to be built by the owners will qualify for credit against the County-wide development impact tax, and the City will agree not to impose any further impact tax or other special assessments or charges on the development. The owners will be subject to normal permitting fees and charges imposed by the City.

- ♦ The owners will also agree to extend the existing Standstill and Tolling Agreement with the City dated January 6, 2003.

The City and owners will continue to negotiate the terms of the Second Addendum consistent with direction to be given by the Mayor and Council. It is anticipated that the Second Addendum will be brought before the Mayor and Council on February 3, 2003 for final action.

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